

17

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
17242/002004

First named inventor: Charles A. Conrad

Application No: 09/411,568-Conf. #8507

Art Unit: 1631

Filed: October 4, 1999

Examiner: J. Martinell

Title: IN VIVO PRODUCTION OF SSDNA CONTAINING DNA ENZYME SEQUENCE WITH
RNASE ACTIVITYMS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☐ Other than small entity – fee \$ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of A Response to the Office Action dated (identify type of reply):☒ has been filed previously on July 19, 2005☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$

☐ has been paid previously on☐ is enclosed herewith.

10/24/2006 CKHLOK

00000002 09411568

Page 1 of 2

01 FC:1462

400.00 OP

08/03/2006 EFLORES

00000022 09411568

01 FC:2453

750.00 OP

Adjustment date: 10/24/2006 CKHLOK

08/03/2006 EFLORES 00000022 09411568

01 FC:2453

-750.00 OP

165178

Refund Ref:
10/24/2006

Credit Card Refund Total:

Ref Exp.: XXXXXXXXXX1031

\$350.00

RECEIVED

AUG 07 2006

OFFICE OF PETITIONS

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

August 1, 2006
Date

T. Chyau Liang, Ph.D.
Typed or printed name

48,885
Registration Number, if applicable

OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010

64035
Address PATENT TRADEMARK OFFICE

(713) 228-8600
Telephone Number

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay

☒ Affidavit of Dr. Malcolm Skolnick (6 pages)
Affidavit of Dr. Cindee Ewell (6 pages)
Revocation of Power of Attorney and New Power of Attorney, with
Statement Under 37 CFR 3.73(b) (3 pages)

Other: _____

RECEIVED

AUG 07 2006

OFFICE OF PETITIONS

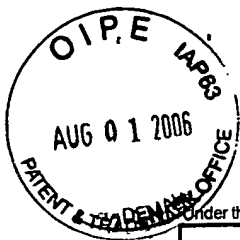
UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>10/23/06</u>		2 Serial/Patent # <u>09/411,568</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	17	8/1/06	\$ 350							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input type="checkbox"/>	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 350							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
<input checked="" type="checkbox"/>	Overpayment	Credit Deposit A/C #:									
<input type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">1</td> </tr> </table>			5	0	--	0	5	9	1
5	0	--	0	5	9	1					
<input type="checkbox"/>	No Fee Due (Explanation):										
<p><i>Petition submitted as additional petition fee of \$250 under 37CFR 1.17(m) but should have submitted \$400 as required under 37CFR 1.17(f).</i></p>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>David Bruce</u>		TITLE: <u>Petitions Examiner</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>272-7089</u>									
OFFICE: <u>Office of Petitions</u>											

THIS SPACE RESERVED FOR FINANCE USE ONLY:											
APPROVED: <u>[Signature]</u>		DATE: <u>10/24/06</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**



08-02-06

DAC

PTO/SB/21 (09-04)

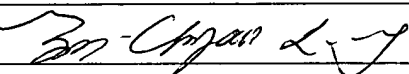
Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

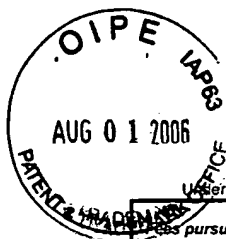
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/411,568-Conf. #8507
	Filing Date	October 4, 1999
	First Named Inventor	Charles A. Conrad
	Art Unit	1631
	Examiner Name	J. Martinell
Total Number of Pages in This Submission	Attorney Docket Number	17242/002004

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) Transmittal Form (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Affidavit of Dr. Malcolm Skolnick (6 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Affidavit of Dr. Cindee Ewell (6 pages)
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	Revocation of Power of Attorney and New Power of Attorney, with Statement Under 37 CFR 3.73(b) (3 pages)
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		Return Receipt Postcard (1 page)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	OSHA · LIANG LLP		
Signature			64035
Printed name	T. Chyau Liang, Ph.D.		
Date	August 1, 2006	Reg. No.	48,885

PATENT TRADEMARK OFFICE

RECEIVED
AUG 07 2006
OFFICE OF PETITIONS



PTO/SB/17 (01-06)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 750.00**Complete if Known**

Application Number 09/411,568-Conf. #8507

Filing Date October 4, 1999

First Named Inventor Charles A. Conrad

Examiner Name J. Martinell

Art Unit 1631

64035

Attorney Docket No. 17242/002004

PATENT TRADEMARK OFFICE

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 50-0591 Deposit Account Name: Osha · Liang LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- = x =

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims**Fee (\$)** **Fee Paid (\$)****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

- 100 = /50 (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2453 Petition to revive unintentionally abandoned ... 750.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	48,885	Telephone	(713) 228-8600
Name (Print/Type)	T. Chyau Liang, Ph.D.	Date	August 1, 2006		

RECEIVED

AUG 07 2006

OFFICE OF PETITIONS



Application No.: 09/411,568

Docket No.: 17242/002004 (INGA,004/C/CIP)

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Charles A. Conrad et al.

Application No.: 09/411,568

Confirmation No.: 8507

Filed: October 4, 1999

Art Unit: 1631

64035

PATENT TRADEMARK OFFICE

For: IN VIVO PRODUCTION OF ssDNA
CONTAINING DNA ENZYME SEQUENCE
WITH RNASE ACTIVITY

Examiner: J. Martinell

**PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

As set forth in the attached Affidavits of Dr. Malcolm Skolnick and Dr. Cindee Ewell, the referenced application became abandoned due to negligence of the former outside counsel without the knowledge of the Applicant or the Assignee. As the referenced application relates to a key technology of the Assignee, the Applicant and the Assignee would never intend to abandon the referenced application and have been diligent in trying to revive this application.

RECEIVED
AUG 07 2006
OFFICE OF PETITIONS

since they learned of the abandonment.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. It is submitted, therefore, that on the basis described in the accompanying affidavits, the abandonment should be held to be unintentional, the case should be revived.

A response to the Office Action dated July 13, 2001 was filed by the prior counsel with the petition filed on July 19, 2005. Applicant believes that previously filed response met the requirement of 37 C.F.R. § 1.137(b)(1). If this is not the case, please inform the undersigned or his associates at the phone number provided.

The petition fee, as required by 37 C.F.R. § 1.137(b)(2) and 1.17(m), is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0591, under Order No. 17242/002004.

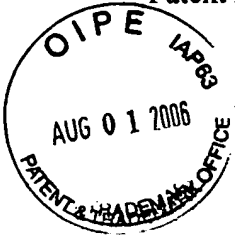
Dated: August 1, 2006

Respectfully submitted,

By 

T. Chyau Liang, Ph.D.
Registration No.: 48,885
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)

Patent Application No.: 09/411,568

Affidavit – Malcolm Skolnick
Attorney Docket No: 17242/002004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

64035

PATENT TRADEMARK OFFICE

In re Application of:

Charles A. Conrad et al.

Confirmation No: 8507

Application No: 09/411,568

Art Unit: 1631

Filed: October 4, 1999

Examiner: J. Martinell

For: IN VIVO PRODUCTION OF SSDNA CONTAINING DNA ENZYME
SEQUENCE WITH RNASE ACTIVITY

RECEIVED

AUG 07 2006

OFFICE OF PETITIONS

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**AFFIDAVIT OF MALCOLM H. SKOLNICK, PH.D.**

I am Dr. Malcolm Skolnick, President and Chief Executive Officer (CEO) of CytoGenix, Inc., located at 3100 Wilcrest Drive, Suite 140, Houston, Texas 77042, USA. CytoGenix, Inc. is a publicly traded Nevada corporation focusing on the development and manufacture of DNA-based vectors and therapeutics. My primary duties to the company are those of the President and CEO; however, I am also a registered patent attorney (Registration No. 33,788) entitled to practice before the United States Patent and Trademark Office. I am making this affidavit to explain, to the best of my knowledge, the circumstances surrounding the unintentional abandonment of US Patent Application No. 09/411,568 (the '568 application), filed October 4, 1999.

I. Technology

The technology covered in the '568 application is one of several key US applications filed to protect one of our three critical technological platforms. I estimate the overall value of this particular technology to be about 40-50% of our company's net intellectual property value. This estimate is based on the relative importance, usefulness and potential marketability of this technology in the field of single-stranded DNA therapeutic intervention both at the research and clinical levels. Basically, this technology

Patent Application No.: 09/411,568

Affidavit – Malcolm Skolnick
Attorney Docket No: 17242/002004

offers an efficient way to administer single stranded DNA therapeutics without excessive degradation or toxic modifications. It is streamlined to produce only desired sequences inside the targeted cell substantially free of flanking sequences that often interfere with the effectiveness of the therapeutics. This technology minimizes the uncertainty that comes with the administration of large quantities of chemically synthesized single stranded DNA external to target cells.

The '568 application was filed in October of 1999 and is related to earlier technology covered in earlier applications, which introduce and teach the use of a single-stranded DNA expression cassette designed to produce single-stranded oligonucleotides inside a cell. The earlier technology uses a single-stranded expression cassette in one plasmid and relies on reverse transcriptase from another plasmid or phage. The '568 application is our first disclosure describing a single plasmid version of this expression system, which carries both the expression cassette and a reverse transcriptase gene. The single plasmid is easier to use than our earlier two-plasmid system and offers flexibility for different research and therapeutic applications. The '568 application is the first to introduce the single-plasmid system, describes the construction of the single plasmid expression cassette in detail, and shows that this vector works in a predictable manner to produce a designed single-stranded product inside a cell.

The '568 application is the first US patent application covering the single vector system and is therefore critical for our company's IP protection. Our company would never intentionally allow this application to go abandoned.

II. Relationship with Outside Counsel, Mark Wisner

Sometime after the company was originally founded in 1995, Mark Wisner of Wisner and Associates was hired as our intellectual property outside counsel. At that time, I was an active member of the Board of Directors for the company, but I had not yet assumed the position of CEO. This took place later in September 1997.

Shortly after I assumed my position as President and CEO, the company hired Dr. Jonathan Elliston as in-house counsel. Dr. Elliston worked with Mr. Wisner and me on all prosecution matters, but the extent of this work evolved around a single patent application which was purchased from a client of Mr. Wisner's. By the time Dr. Elliston left the company in 2001, our portfolio grew to contain about 7 US applications and 3 International applications. During this time, Mr. Wisner became an integral part of the company's IP structure. After Dr. Elliston's departure, I assumed primary responsibility for the company's patent portfolio, with Mr. Wisner assuming primary responsibility for completion of applications and management of our detailed prosecution matters.

When the company originally hired Mr. Wisner, I had personally known him for many years as a trusted friend and colleague. We had previously worked together in a

Patent Application No.: 09/411,568

Affidavit – Malcolm Skolnick
Attorney Docket No: 17242/002004

professional setting on multiple patent prosecution matters. I served of counsel to his law firm and I was well acquainted with Mr. Wisner's capabilities and his in-depth knowledge of patent law. He also introduced us to one of his clients, Charles Conrad, the original inventor of our current single-stranded DNA expression system which the company later purchased. I not only trusted Mr. Wisner, I felt that the decision to hire him as outside counsel was an opportunity as well as a strong positive business choice for our company. Throughout his initial tenure, Mr. Wisner exhibited a competent and reliable professional attitude and his familiarity with the company's objectives helped me to create a sound level of confidence in his abilities to manage our prosecution. At the time of Dr. Elliston's departure, I had no doubt that Mr. Wisner would be able to handle the majority of our intellectual property matters in a competent and trustworthy manner.

Following Dr. Elliston's departure, application filings were usually a joint effort between our Dr. Yin Chen (Vice President and Director of Scientific Research), Mr. Wisner and me. Mr. Wisner became our primary resource for filing, prosecuting and making informed recommendations regarding the company's prosecution matters. We have since expanded our efforts to include two other technology platforms, but this single-stranded expression technology remains one of our most valuable assets.

Although I worked closely with Mr. Wisner in the early stages of our company's development, my evolving responsibilities as CEO and the continued expansion of our patent portfolio created a situation where Mr. Wisner assumed primary responsibility for most of our detailed prosecution work with only my review and oversight. I trusted him to advise me, or an appropriate contact within the company, on all important matters and to keep track of all docketing matters for our files. As a small developing company, we did not have any additional in house counsel to maintain this growing portfolio, so Mr. Wisner was authorized to handle routine IP matters as he felt necessary. Mr. Wisner held the only copies of our files and was completely responsible for docketing matters. In periodic meetings and updates Mr. Wisner continually reassured me that he was staying on top of the portfolio and that everything was proceeding in a timely manner.

I started to become concerned with the status of our patent situation after about four years of prosecution because we had not received any indication of approaching grants or allowances. We had been filing numerous applications both at home and abroad, and Mr. Wisner notified us periodically of the receipt of multiple restriction requirements and office actions, the need for signing Declarations, Powers of Attorney, etc. It appeared that things were being handled competently and examinations were progressing despite the lack of allowances. However, as my concerns continued, I addressed this issue with Mr. Wisner with increasing frequency. Each time we discussed this, I received assurances that delays were due to various patent office work loads with no indication that any of this delay was due to any untimely action or inactions on Mr. Wisner's part. About this time, however, Mr. Wisner started to complain about having too much work on his docket.

Patent Application No.: 09/411,568

Affidavit – Malcolm Skolnick
Attorney Docket No: 17242/002004

Early in 2004, the management team at CytoGenix considered hiring some additional help to assist Mr. Wisner with these prosecution matters. It was my goal to hire someone who had sufficient technical background with the science as well as knowledge of the procedural aspects of patent prosecution. During the summer of 2004, we offered a position to Dr. Cindee Ewell, who was a graduating law student, held a Ph.D. in molecular biology, had post-doctoral experience in our area of technology, and also had several years of experience as a patent specialist in the field of biotechnology. Dr. Ewell took the position and worked for us part-time during her final semester of law school. She started full-time as in house counsel in about March of 2005.

Initially, Dr. Ewell had to become familiar with our system and with our outside counsel. She encountered multiple obstacles and resistance from Mr. Wisner including difficulties in attaining copies of our files. Mr. Wisner, although he had repeatedly complained that he was overworked, was uncooperative and repeatedly delayed or avoided any action that was asked of him. Mr. Wisner would occasionally supply a copy of a patent office communication, but most of the information that Dr. Ewell was able to attain for our US applications came from the USPTO electronic Public PAIR system for only those applications which had published. As she began to work on these pieces, Dr. Ewell began to identify numerous deficiencies with these US files including failure to execute assignments, failure to submit information disclosure statements, failure to include appropriate claims (often just copies of claims from an earlier application), and failure to act in a timely manner which resulted in repeated abandonments (some revived in a timely manner by Mr. Wisner, but without our knowledge). At this point we had to consider the need and costs for retaining new outside patent counsel and had to weigh the startup costs for new counsel against the possibility that we could remedy the situation with Mr. Wisner.

The first step towards remedying this situation was for the company to gain access to information in the files. Mr. Wisner resisted these efforts and his cooperation was limited, so it became necessary for us to gain as much information as possible from the USPTO. The Public PAIR system worked sufficiently for those applications that had published, but was useless for our newly filed applications and those that went abandoned prior to publication. We had limited access to our files even as the assignee because of Mr. Wisner's failure to record assignments for many of these applications. Dr. Ewell had to work with Mr. Wisner to first identify files without assignments, then she needed to draft, execute and record the remaining assignments.

My duties as CEO of the company leave insufficient time to devote to prosecution detail unless I have reason to do otherwise. I relied heavily upon Mr. Wisner's knowledge of the files and was partly forced to do so because we did not have copies of our files. When it became necessary to check on the prosecution detail, I was not in a position to do so. The company had become solely dependent upon Mr. Wisner's prosecution advice, docketing and follow-through. We have now come to realize that this reliance has been costly and dysfunctional and are now doing our best to remedy the deficiencies that we

Patent Application No.: 09/411,568

Affidavit – Malcolm Skolnick
Attorney Docket No: 17242/002004

have identified, including retaining new outside patent counsel, the law firm of Osha Liang LLP, in November of 2005.

III. Abandonment of the '568 Application

Shortly after Dr. Ewell started working with us, she had initially identified three US applications that had been abandoned due to untimely action by Mr. Wisner. When we confronted Mr. Wisner, he stated he was embarrassed and unaware that these files had been abandoned. The '568 application was one of these and had the longest period of abandonment -about three years. As one of our more important single-stranded DNA expression technology applications, it was generally understood that it was a major business objective to pursue full patent protection for this technology. Mr. Wisner acknowledged that he was aware of this importance at the time we confronted him. All three of the inadvertently abandoned US patents covered this single-stranded expression technology.

Mr. Wisner stated that he had periodically talked with Examiner Martinell about related matters, but that these abandonments had never been discussed or mentioned. We repeatedly asked about the status of these files following this confrontation, whereby Mr. Wisner routinely assured us that he was attempting to move the prosecution forward and attributed failure to receive USPTO communications to a faulty mailing system.

We had demanded that Mr. Wisner take immediate action to revive these, but he failed to take action until Dr. Ewell identified a fourth abandoned application covering this same technology which went abandoned in June of 2005. At this point, Mr. Wisner took immediate action to revive the most recently abandoned application and also filed petitions to revive the remaining three in July 2005. According to Mr. Wisner, the USPTO responded to these petitions and requested terminal disclaimers in order to revive them. He did not indicate to us that this was only for two of the three remaining files. Mr. Wisner filed the terminal disclaimers as required, but failed to submit what was required by the patent office for the '568 application. Consequently, three of the four files have either been revived or are currently in the process of being revived. However, the '568 application remains abandoned. Dr. Ewell later found out from the Petitions Office that this revival had exceeded two and one-half years and required proof that this abandonment was unintentional. Mr. Wisner should have informed us of this requirement and draft affidavits to pursue this. However, no action was taken by Mr. Wisner, and there was no notification that there was anything outstanding for this matter with the patent office.


Dr. Ewell recently acquired access to our files and was able to talk with Examiner Martinell and the Petitions Office regarding the '568 application. She found out that in order to revive this application, we needed to provide evidence of this application being unintentionally abandoned for the entire period of abandonment. As such, I make this

Patent Application No.: 09/411,568

Affidavit – Malcolm Skolnick
Attorney Docket No: 17242/002004

affidavit. To the best of my knowledge, I affirm that during the entire period of abandonment of the '568 application the company never intended to allow this application to go abandoned and that the abandonment resulted from negligence of the outside counsel without knowledge of the company.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

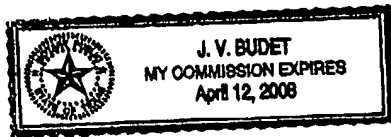

MALCOLM SKOLNICK
President and CEO, CytoGenix, Inc.

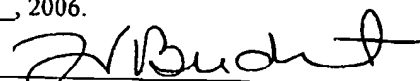
28 July 2006
Date

STATE OF TEXAS
COUNTY OF HARRIS

Before me on this date personally appeared MALCOLM SKOLNICK, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and that such execution was his own free act and deed.

Given under my hand and seal this 28th day of July, 2006.

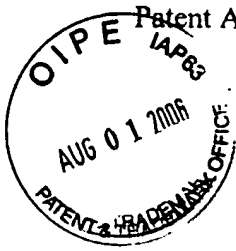



Notary Public, State of Texas
My Commission Expires: 4-12-08

RECEIVED

AUG 07 2006

OFFICE OF PETIT AND



Patent Application No.: 09/411,568

Affidavit – Cindee Ewell
Attorney Docket No. 17242/002004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

64035

PATENT TRADEMARK OFFICE

In re Application of:

Charles A. Conrad et al.

Confirmation No: 8507

Application No: 09/411,568

Art Unit: 1631

Filed: October 4, 1999

Examiner: J. Martinell

For: IN VIVO PRODUCTION OF SSDNA CONTAINING DNA ENZYME
SEQUENCE WITH RNASE ACTIVITYMS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 07 2006

OFFICE OF PETITIONS

AFFIDAVIT OF CINDEE EWELL, PH.D., J.D.

I am Dr. Cindee Ewell, In House Counsel and Intellectual Property Advisor for CytoGenix, Inc., located at 3100 Wilcrest Drive, Suite 140, Houston, Texas 77042, USA. I am making this affidavit to explain, to the best of my knowledge, the importance of the technology covered in the referenced application, my relationship with outside counsel with the evolution of my role in assuming responsibility for the company's patent portfolio, and the circumstances relating to the unintentional abandonment of the above referenced application.

I. Importance of the Technology

The company has three main technology platforms protected by intellectual property applications in the US and worldwide. One of the most important of these is the single-stranded DNA (ss-DNA) expression technology covered in part by US Patent Application SN: 09/411,568 (the '568 application). This technology offers an efficient way to administer ss-DNA therapeutics without excessive degradation or toxic modifications, and produces the desired oligonucleotide sequences inside the targeted cells substantially free of potentially interfering flanking sequences.

The '568 application was filed on October 4, 1999 as a CIP of US Patent Applications SN: 09/397,782 and 09/169,793, both CIPs of US Patent Application SN: 08/877,251 (now, U.S.

Patent Application No.: 09/411,568

Affidavit – Cindee Ewell
Attorney Docket No. 17242/002004

Patent No. 6,054,299) filed June 17, 1997, which was itself filed as a continuation of US Patent Application SN: 08/236,504, originally filed on April 29, 1994. The earlier applications introduce and teach the use of our single-stranded DNA expression cassette, which includes an inverted tandem repeat, a cloning region for insertion of a sequence of interest and a sequence encoding a primer binding site for the initiation of reverse transcription using reverse transcriptase. The expression cassette is designed to produce single-stranded versions of the sequence of interest to control expression or protein activity within a cell. The earlier applications use this expression cassette in the form of either (1) a helper phage-dependent vector, which relies on the helper phage to provide reverse transcriptase, or (2) a two plasmid system with the cassette in one vector and a reverse transcriptase gene in the other.

The '568 application, is the first application describing a single plasmid version of this expression system, in which the expression cassette and the reverse transcriptase are in the same plasmid. As such, the '568 application is among the most valuable in the company's patent portfolio, and the company would never intentionally abandon this application.

II. Relationship with Outside Counsel, Mark Wisner

When I started working at CytoGenix, I was given the responsibility of learning our technology and our patent portfolio with a goal of trying to facilitate the patent prosecution process. My position would require working closely with our CEO, Dr. Malcolm Skolnick, who is also a registered patent attorney, and with our outside patent counsel, Mr. Mark Wisner of Wisner and Associates. I even talked with Mr. Wisner several times on the phone prior to taking the job. He was an integral part of the company's intellectual property group. At the time I took the position, there had not been any additional in house counsel for several years. When I looked for our patent prosecution files, I could only locate old files dating back four or five years. There were no working files in house.

One of my first tasks at CytoGenix was to attain complete copies of our patent files from Mr. Wisner. My repeated requests for copies of the files were met with procrastination and excuses from Mr. Wisner. Through persistence, I was able to attain copies of some of the applications as they were filed with the patent office from Mr. Wisner, but I later learned that some of these had since been changed; some of the PCT copies given to me were original publications when I should have been given corrected versions. Because Mr. Wisner's cooperation was limited, I relied extensively on the USPTO public PAIR system to construct partial copies of files for those applications that had published.

As I worked with the available documents and talked with Dr. Skolnick, and our Vice President of Research and Development, Dr. Yin Chen, I was able to identify deficiencies in both our files and in the prosecution matters under Mr. Wisner's control. Initially, I was extremely cautious because I was unfamiliar with the system, but Dr. Skolnick was always helpful and would take the time to explain what he knew about the immediate issue. If I needed to discuss the technology I would also talk with Dr. Chen. My conversations with Mr. Wisner, however, often left me confused. I was not familiar with Mr. Wisner's way of handling prosecution. I

Patent Application No.: 09/411,568

Affidavit – Cindee Ewell
Attorney Docket No. 17242/002004

also viewed his routine procrastination as being extremely risky, but Mr. Wisner assured me that this was routine in this business and need not be a concern. After several months, and with Dr. Skolnick's encouragement, I began questioning Mr. Wisner's explanations and together, Dr. Skolnick and I started demanding action.

Dr. Skolnick explained to me on multiple occasions that we were having difficulties getting allowances on our applications and he asked me to make this a goal as I became more familiar with the files. It is my understanding that Mr. Wisner has been our outside patent counsel for many years. Since 1998, Mr. Wisner has filed 22 US applications (11 currently pending), 7 international applications and about 37 national stage filings (20 currently pending) – only the original application issued in 2000; those still pending are having difficulty getting allowance.

During the first few months I was with the company, I realized some deficiencies in many of our US files: (1) only two of the twenty-two (22) US applications filed by Mr. Wisner had an information disclosure statement; (2) we only had a few assignments recorded with the USPTO and, therefore, we had limited access to our own files; and (3) by checking on the USPTO electronic PAIR system, I was surprised to find that three of our pending applications had become abandoned, including the '568 application.

As time progressed, I still had difficulties in obtaining copies of our files. I couldn't even get electronic versions of the applications as filed from Mr. Wisner to prepare office action responses. We were forced to scan copies in order to work with them electronically. Dr. Skolnick and I would periodically confer and reassess the company's position regarding the need to either replace Mr. Wisner or to more affordably try to turn him around. I had plenty to do even though I did not know the complete story with our files and felt that we did not need to rush into a decision at this point in time. We also realized that a quick transfer of the files to another firm without my knowing the extent of the problems would be devastatingly expensive for the company. Dr. Skolnick and I were becoming increasingly less patient with Mr. Wisner and I was becoming noticeably more demanding each time he would attempt to talk his way out of taking action. Dr. Skolnick and the company's management team decided it was time to look for Mr. Wisner's replacement, but we all agreed that the transition should be gradual, with me being the coordinator between the two. We started considering replacement counsel shortly thereafter.

In the summer of 2005, I realized I needed to find out about our foreign matters, as well. Even with all my complaints and demands, I was only given copies of filing receipts for about half of our pending foreign applications. I had no other proof of filings, and based upon the status of our US files, I suspected that the total lack of any information was a sign of major problems with these foreign files. After repeated requests for copies of the files and requests for foreign associates to bill us directly, there was no action taken by Mr. Wisner to provide copies or contact information. Instead of providing copies, Mr. Wisner supplied us with an abundance of explanations for delays and reasons for protecting his relationships with these particular foreign associates. In about October 2005, Dr. Skolnick and the management team decided it was time to terminate Mr. Wisner. They met with Mr. Wisner on November 7th, but decided that a thirty day trial period would be in order to see if Mr. Wisner could become a 'cooperative'

Patent Application No.: 09/411,568

Affidavit – Cindee Ewell
Attorney Docket No. 17242/002004

member of our team. On November 9th, the decision was made to hire the law firm of Osha Liang LLP as our new outside counsel.

Dr. Skolnick had also demanded that Mr. Wisner deliver our foreign files to the company for me to copy. On November 10th, Mr. Wisner delivered a stack of foreign files to us. I reviewed seven of these files and quickly realized that these were in terrible shape: annuities not paid, perpetual extensions to the point of abandonment, revivals or filing of divisionals (without our knowledge), failure to respond to requests for related art, failure to amend in a timely manner to the point where we could no longer amend (even though I had specifically requested amendments to all these files soon after I started), claim amendments that made no sense to the technology, and outstanding invoices for which we already provided advance payment to Mr. Wisner. The decision was made that I would not return these files to Mr. Wisner.

Over the course of the next few days, I tried to work with Mr. Wisner to remedy some of these deficiencies. He explained his way around everything but refused to take any immediate action. For a month, I tried to work with Mr. Wisner to remedy some of these problems, but instead of taking action, he provided elaborate reasons for delay. On December 6th, I demanded Mr. Wisner take immediate action on a foreign file. He refused. I immediately terminated him on all foreign matters and demanded delivery of all our foreign files to the company. Within about a week, I had finally received most of our foreign files.

Since that termination, I have transferred our outside US prosecution work to our new outside counsel and I have assumed responsibility for most of our foreign prosecution matters. Mr. Wisner is no longer actively working with us, but he is still the attorney of record on some of our US files. In the course of the last few months, my time has been largely consumed with these transitional matters: making contacts with foreign associates; attaining prosecution and annuity status reports; bringing invoices up to date; hiring new foreign counsel as needed; correcting prosecution errors; preparing responses; and diligently developing a 'working' knowledge of our patent disclosures, claims and support structure.

III. Circumstances Regarding Expiration of the '568 Application

In December of 2004, I noticed that three of our original US single-stranded DNA expression vector applications were abandoned. According to my understanding of the company's IP projections made available through discussions and in house notes, none of these were intended to be abandoned. These included the '568 application, and its two parent applications ('793 and '782 applications). A few months later, I found out a child application (10/136,218, filed May 1, 2002) also went abandoned. We did not have copies of our files, so this information was attained by checking the Public PAIR system provided by the USPTO.

According to the PAIR system, this '568 application had been abandoned for about three years; the notice of abandonment was mailed April 14, 2002. When confronted with notice of the four abandonments, Mr. Wisner stated he was unaware of these; that he had been talking with the Examiner periodically but he was never informed of the abandonment. When asked

Patent Application No.: 09/411,568

Affidavit – Cindee Ewell
Attorney Docket No. 17242/002004

repeatedly about the status of these files, Mr. Wisner routinely assured us that he was attempting to move the prosecution forward and attributed failure to receive USPTO communications to a faulty mailing system.

When we first learned of the three abandoned applications, we immediately demanded that Mr. Wisner take action to revive them. Although he initially acknowledged the importance of revival of these applications, he delayed in filing petitions to revive until July 2005 following my identification of the fourth abandoned application. At this point, Mr. Wisner took immediate action to revive the most recently abandoned application and also filed petitions to revive the remaining three. These petitions to revive were filed in July 2005. According to Mr. Wisner, the USPTO responded to these petitions and requested terminal disclaimers in order to revive them. He did not indicate to us that this was only for two of the three remaining files. Mr. Wisner filed the terminal disclaimers as required, but failed to submit what was required by the patent office for the '568 application. Since then, three of the four files have been revived. Only the '568 application remains abandoned.

My duties as in house counsel shifted to take on the responsibilities of the company's patent portfolio in about December of 2005. At this point, I assumed responsibility for remedying the deficiencies in our files. We had just hired new outside counsel and we began transitioning all US matters to them. I personally assumed responsibility for our foreign patent matters. We could no longer rely on Mr. Wisner. Securing copies of our files was a problem and I initially needed to record assignments with the USPTO before I could gain access.

Having access, I evaluated the situation on the abandoned files and talked with Examiner James Martinell on February 10, 2006 and again on March 1 and March 27. At this point, I was directed to speak directly with the Petitions Office to attain status information on the '568 matter. The Petitions Office informed me that in order to revive this application, we would need to provide evidence of this application being unintentionally abandoned for the entire period of abandonment. I was also informed that such notification had been sent to Mr. Wisner. In order for Mr. Wisner to have responded to this request, he would have had to inform us of this requirement and draft affidavits to pursue this. No action was taken by Mr. Wisner, and he failed to notify us of the need for any action even though he was concurrently working with the two remaining revivals.

I hereby affirm that to the best of my knowledge, this abandonment was unauthorized and against the business goals of the company. According to all the records, disclosures and discussions made available to me, the company had never intended to allow this important application to go abandon.

I hereby declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Patent Application No.: 09/411,568

Affidavit – Cindee Ewell
Attorney Docket No. 17242/002004

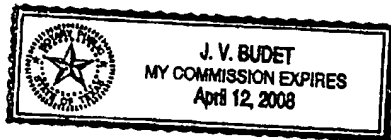
Cindee R. Ewell
CINDEE EWELL, PhD, JD
In House Counsel, CytoGenix, Inc.

7-28-06
Date

STATE OF TEXAS
COUNTY OF HARRIS

Before me on this date personally appeared CINDEE EWELL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and that such execution was his own free act and deed.

Given under my hand and seal this 28th day of July, 2006.



J. V. Budet
Notary Public, State of Texas
My Commission Expires: 4-12-08

Notary Public, State of Texas
My Commission Expires: _____

RECEIVED
AUG 07 2006
OFFICE OF PETITIONS



18
Docket No.: 17242/002004
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Charles A. Conrad et al.

64035

PATENT TRADEMARK OFFICE

Application No.: 09/411,568

Confirmation No.: 8507

Filed: October 4, 1999

Art Unit: 1631

For: IN VIVO PRODUCTION OF SSDNA
CONTAINING DNA ENZYME SEQUENCE
WITH RNASE ACTIVITY

Examiner: J. Martinell

**REVOCATION OF POWER OF ATTORNEY
AND NEW POWER OF ATTORNEY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned having, on or about October 4, 1999, appointed Wisner & Associate of 1177 West Loop South, Suite 400, Houston, TX 77027 as our attorney to prosecute an application for Letters Patent, which application was filed on October 4, 1999, for an invention entitled IN VIVO PRODUCTION OF SSDNA CONTAINING DNA ENZYME SEQUENCE WITH RNASE ACTIVITY, Application No. 09/411,568, hereby revokes the Power of Attorney then given, and hereby appoints the following attorneys and/or agents to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith:

All practitioners at Customer Number 64035.

RECEIVED
AUG 07 2006
OFFICE OF PETITIONS

Application No.: 09/411,568

Docket No.: 17242/002004

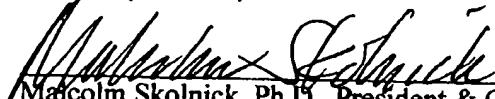
Address all communications to:

T. Chyau Liang, Ph.D.
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600

64035

PATENT TRADEMARK OFFICE

For: CytoGenix, Inc.


Malcolm Skolnick, Ph.D. President & CEO

Dated:

28 July 2006

RECEIVED
AUG 07 2006
OFFICE OF PETITIONS



19

PTO/SB/96 (12-05)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)**RECEIVED**Applicant/Patent Owner: Charles A. CONRAD

AUG 07 2006

Application No./Patent No./Control No.: 09/411,568 Filed/Issue Date: 10/04/99Entitled: IN VIVO PRODUCTION OF ssDNA CONTAINING DNA ENZYME SEQUENCE WITH RNASE ACTIVITY

OFFICE OF PATENTS

CytoGenix, Inc.

(Name of Assignee)

a Nevada Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 016972, Frame 0206, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Cindee R. Ewell Malcolm Skolnick
Signature

5/12/06
Date

Cindee R. Ewell -authorized by- Malcolm Skolnick

713-789-0070

Printed or Typed Name

Telephone Number

In House CounselPresident and CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Application No. (if known): 09/411,568

Attorney Docket No.: 17242/002004

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV804197044US, in an envelope addressed to:

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on August 1, 2006
Date

Debra V. Wieser

Signature

64035

Debra V. Wieser

PATENT TRADEMARK OFFICE

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form (1 page)
Petition For Revival of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) Transmittal Form (2 pages)
Fee Transmittal Form (1 page)
Payment by credit card; Form PTO-2038 is attached (1 page);
charge \$750.00 to credit card
Petition to Revive Application Unintentionally Abandoned (2 pages)
Affidavit of Dr. Malcolm Skolnick (6 pages)
Affidavit of Dr. Cindee Ewell (6 pages)
Revocation of Power of Attorney and New Power of Attorney, with
Statement Under 37 CFR 3.73(b) (3 pages)
Return Receipt Postcard (1 page)

RECEIVED

AUG 07 2006
OFFICE OF PETITIONS